

# The Union of 1900 and the Relation of Church and Creed in Scotland

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The Union of the Free Church of Scotland and the United Presbyterian Church on 31 October 1900 was an ecclesiastical act which was examined with a care and minuteness that can rarely have been paralleled. It was almost forty years since the question of Union had begun to agitate the courts of the Churches. It was to be a further four years before the civil courts had completed their review of the ecclesiastical proceedings. For the most notorious fact about the Union is that a small minority of Highland Free Churchmen were successful in their legal appeal against its legitimacy and were awarded the title and property of the old Free Church. The argument of this paper is that what aroused and sustained the long controversy was a difference within the Free Church as to the Church's relation to her Creed. *Prima facie* the question at issue was that of Establishment since the U.P. Church was Voluntary in outlook whereas the Free Church was loyal to at least the theory of Establishment. However, as we hope to show, even the Establishment question resolved itself into a question of Church and Creed. Moreover, within the same credal realm the Union involved further developments which were of far-reaching importance. For the innovations wrought by the Union were indicative not of minor denominational adjustment but of a tidal change in the history of Church and Creed in Scotland. The credal shift can be discerned in three distinct areas: the Union and the Confession of Faith; the Union and the Church's constitution; and the Union and the Church's legislative power. Each will be examined in turn.

## *The Union and the Confession of Faith*

Consider, first of all, the direct credal changes which were effected by the Union: the Declaratory Acts were given a new and more authoritative position and the Formula and Questions were altered accordingly. This was an action which was logical in the Free Church following the passing of the Declaratory Act in 1892 but the Assembly had shrunk from taking it owing to the knowledge that it would have been the last straw for the northern conservatives who had resisted the Act.<sup>1</sup> This had left the Free Church in the anomalous position of having on her statute book an Act which explained the sense in which she held the Confession of

<sup>1</sup> *Proceedings and Debates of the General Assembly of the Free Church of Scotland* (1894), 80-81.

Faith and yet having no reference to that Act in the official proceedings by which men subscribed the standard. To a conservative like Ronald Macintyre the Act had been “a child of the mist whose form and outline no man had been able clearly to define” but the Formula of 1900 “bound the Declaratory Act as a frontlet between their eyes”.<sup>2</sup> Not only did the new Formula explicitly refer to the Act of 1892 and the equivalent U.P. Declaratory Act of 1879. Its terms were altered to take account of the understanding of subscription enshrined in these Acts. The principal significance of the Free Church Declaratory Act lay not in its explanatory statements about certain Confessional doctrines but in the assertion that “while diversity of opinion is recognised in this Church on such points in the Confession as do not enter into the substance of the Reformed Faith therein set forth, the Church retains full authority to determine, in any case which may arise, what points fall within this description.”<sup>3</sup> The result of the application of this provision to the terms of the Formula was that Probationers were asked if they sincerely owned and believed not “the whole doctrine of the Confession of Faith”, as in the Free Church Formula, but rather “the Doctrine of this Church, set forth in the Confession of Faith”.<sup>4</sup>

To conservative critics this was to introduce a fatal element of ambiguity and laxity into the Church’s doctrinal position. They alleged that the fixed and unchanging standard of the Confession itself was being replaced by an elusive and ephemeral doctrinal commitment. A “Representation and Appeal” issued by the Commission of the continuing Free Church in 1904 asked: “Are there any principles, doctrines or truths of which the United Church is so sure that it will definitely accept them as truths of God and will stake its existence, its identity on there being such; if so, what are they?”<sup>5</sup> “So lax had the creed there become and so difficult was it to determine its bearings,” said D. M. McAlister in his Free Assembly Moderatorial Address in 1902, “that it might be hard to bring anyone to account even should he deny the proper divinity of Christ.”<sup>6</sup> Nor were such conservative critics alone in detecting a lack of clarity and permanence in the credal position of the United Church. Writing in anticipation of the Union a *Scotsman* leader commented: “The creed of the new church will grow and doubtless grow into something admirable: but it will not be the creed of the Free Church, and it will not be the creed of the

<sup>2</sup> *Ibid.* (May 1900), 170.

<sup>3</sup> *Acts of the General Assembly of the Free Church of Scotland* (1892), 479.

<sup>4</sup> *Ibid.* (1846), 28; *Principal Acts of the General Assembly of the United Free Church of Scotland* (1900), 5.

<sup>5</sup> *Representation and Appeal by the Commission of the General Assembly of the Free Church of Scotland* (Edinburgh, 1904).

<sup>6</sup> *Monthly Record of the Free Church of Scotland* (June 1902), 101.

United Presbyterian Church, and nobody may tell what it may grow into. It is a great perhaps.”<sup>7</sup>

Unionists found it difficult to take such comments seriously since the Church’s confidence in and commitment to the great catholic and evangelical doctrines was unquestioned. To them it was obvious that the element of liberty in Confessional subscription which the new formula clarified extended only to comparatively minor matters. The difficulty was that they held that view with such confidence that nowhere in the new formularies did they indicate exactly what the Church was permanently committed to. They had not resolved the credal dilemma which had been described by Taylor Innes in 1867:

If there is an absolute right to change all doctrine, then no doctrine can be fundamental. If, on the other hand, all the doctrines of a Church are fundamental, are principles, then the Church has no right to change any one of them, even in the event of her being convinced of its falsehood, but in doing so would lose her existence and identity. The only escape from this dilemma is by holding that *all doctrines are not principles* — that some are fundamental and others are not.<sup>8</sup>

The new Formula made it clear that not all doctrines were fundamental but it did not indicate which beliefs were principles. Marcus Dods frankly admitted that “frequently as the question of fundamentals has been discussed, it cannot be said that a quite satisfactory position has been found”.<sup>9</sup>

The Unionists defended the new Formula on two grounds. The first was to insist that the Church’s commitment to the Confession was undiminished and that the new phraseology simply vindicated the Church’s ancient claim to be sole interpreter of the meaning of Confessional doctrine. The second was to claim that there were advantages in a doctrinal position which was somewhat elusive and mutable. Calling for a relaxation in the Formula Robert Mackintosh remarked:

Of course, this would throw a certain doubt upon the Church’s exact doctrinal whereabouts. Unfortunately, this is just what is necessary for the present distress. Everyone is uncertain alike of the Church’s whereabouts and of his own; everyone has half-conscious reserves and qualifications lying

<sup>7</sup> *Scotsman*, 28 May 1897.

<sup>8</sup> A. T. Innes, *The Law of Creeds in Scotland: A Treatise on the Legal Relations of Churches in Scotland Established and Non-Established to their Doctrinal Confessions* (Edinburgh, 1867), 445.

<sup>9</sup> *British Weekly*, 3 November 1904.

about his mind when he deals with the old theology: these must be made conscious, coherent and safe.”<sup>10</sup>

The fact was that the majority in the Free Church were losing confidence in the highly dogmatic approach of Calvinist theology. “That which holds the Church together,” wrote Marcus Dods, “is not agreement in a common creed, but loyalty to one King.”<sup>11</sup> Theological propositions were juxtaposed with personal faith and it was in the latter that the Church’s unity was sought. The changes effected by the Union of 1900 signified a departure from the outlook which identified a Church by its written statement of faith. One of the Counsel for the U.F. Church suggested that:

If my argument is well founded, then the test of membership is not the holding of particular opinions. A body of people might hold identically and precisely the same opinions as the Free Church held in 1843, and might have held it next door in 1843, and yet they would not have been the Free Church. The Free Church is a physical aggregation of individuals who inhabit certain assembly houses, churches and places.”<sup>12</sup>

It is not difficult to see how such a defence was subversive of the very idea of a Confession and, while the changes in the Formula could be interpreted in a conservative sense, there seems little doubt that the Church was consciously distancing herself from the Confession. By loosening the ties which held the Church to the Westminster Confession without introducing any new statement definitive of the Church’s faith, she gave the impression of being a Church somewhat adrift. It is at least questionable whether it was in the interests of clarity and honesty for the Church to be united by its adherence to a “substance” of the faith which was nowhere defined. However, there was a deeper question at issue than that of whether these particular alterations in the Formula were well-advised or felicitous. The real storm-centre of debate was whether it was competent for the Church to make *any* alteration in the relation in which she stood to the Confession of Faith.

During the hearing of the law case in the House of Lords, Counsel for the continuing Free Church appealed to the Church of Scotland constitution, which the Free Church had retained following the Disruption of 1843, as furnishing evidence that the place of the Confession was absolute. It was argued that both at the Reformation and at the Revolution the Church was so founded on the Confession as to place it beyond the reach of her legislative

<sup>10</sup> Robert Mackintosh, *The Obsolescence of the Westminster Confession of Faith*, n.p. [1888], 59-60.

<sup>11</sup> *British Weekly*, 27 October 1904.

<sup>12</sup> R. L. Orr (ed.), *Free Church of Scotland Appeals 1903-04, United Free Church Authorised Report* (Edinburgh, 1904), 548.



powers. The terms of Confessional subscription adopted at the time of the Revolution were so rigorous, it was suggested, as to render impossible any alteration in the Church's relation to the Confession. Likewise, the Commission on the basis of which all members of the General Assembly were appointed authorised them to vote only "according to the Word of God, the Confession of Faith, and agreeably to the Constitution of the Church".<sup>13</sup> The argument was that no Assembly of individuals so commissioned could legitimately alter the content of the Confession or its place in the constitution. Counsel for the United Free Church conceded that in many of the statutes the place of the Confession was absolute but argued that the Free Church represented the current of thought which rejected the view that the Church was a creature of statute and insisted that she had an inherent spiritual independence and power to regulate her own affairs. The fact that this power extended to the Confession was illustrated, they suggested, by the adoption of the Westminster Confession of Faith in place of the Scots Confession by the General Assembly of 1647. "The power of adoption," said one of the Counsel, "includes the power of alteration".<sup>14</sup> On this basis it was maintained that the Confessional adjustment carried out in the Union was in accordance with the constitution and history of the Church. Thus near the heart of the controversy lay the question of whether the Confession was the Confession of the Church or the Church the Church of the Confession. It was a question, furthermore, which extended beyond the realm of symbolics.

### *The Union and the Church's Constitution*

When we speak of the Creed of the Church there is an element of ambiguity involved. Creed can be a synonym for Confession but usually it has a wider reference. It refers to all the beliefs of the Church, everything to which the Church is committed whether directly stated in the Confession or not. There was a difference of opinion as to whether the Establishment of the Church by the State was expressly taught in the Confession of Faith but, even supposing it was not, the anti-Unionists in the Free Church maintained that it was part of the Creed of the Church, a belief to which she had always been committed. On this ground alone they had opposed the Union when it was first mooted in the 1860s, before the Declaratory Acts and the new Formula had even been contemplated. They maintained that it would not be legitimate for the Free Church to enter a Union where belief in Establishment was not enshrined as a Church principle. Since the U.P. Church was aggressively voluntary in outlook, they held that Union was

<sup>13</sup> *The Practice and Procedure of the Free Church of Scotland in Her Several Courts*, 4th edn. revised (Edinburgh, 1886), 302.

<sup>14</sup> Orr, *Appeals*, 472.

impossible without sacrificing a vital principle. It was undeniable that the men who formed the Free Church in 1843 were staunch upholders of the Establishment principle. What the Unionists questioned was whether the Free Church was bound for all time by the views which they held.

The continuing Free Church was successful in the House of Lords largely because the majority of the judges were persuaded that policy decisions taken at certain times, incidental references in constitutional documents and a Moderator's address published by authority of the General Assembly were binding and constitutional within the Church. However, there is a question here which was ably stated by Taylor Innes:

How much of all the acts and monuments of Scottish Church history is to be held as the present faith of the different bodies concerned, is by no means an easy question. The nature and authority which is to be attributed to the Books of Discipline, the Covenants, the Articles, the Canons, and the Confessions, — not to speak of the later Testimonies, Protests and Manifestoes of the various bodies, — is by no means always a fixed thing even among members of the same communion.<sup>15</sup>

This question split the Free Church. The anti-Unionists were unashamedly inclusive in their approach to Creed. They held that whatever the church had confessed to be Scriptural, by that she was henceforth bound. They resisted the idea that some elements in the Creed were of greater importance than others and were determined to fight to the death for "every pin in the tabernacle". Their instinct was to stand by their ecclesiastical tradition. They were denominationalists. By contrast, Robert Rainy argued from the first that "there must be a limit somewhere to the details which it is consistent with the nature of Christ's Church to make into terms of communion".<sup>16</sup> In the 1860s the Unionists developed the argument that the Establishment principle could safely be treated as an open question and over the years they displayed a growing inclination to reduce to a minimum the doctrine which all officebearers were obliged to accept. The Union was a victory for this school of thought. For it was Union on the basis of the Standards. It was clearly understood that the understanding of Establishment commonly held by the Free Church fathers could be held and advocated by any officebearer but the Church *qua* Church was not committed to that position.

On the specific question of Establishment the Unionists argued that the Free Church fathers drew a distinction in the Formula of

<sup>15</sup> Innes, *Law of Creeds*, 435.

<sup>16</sup> Robert Rainy, *The Present Position of the Union Question in the Free Church* (Edinburgh, 1868), 30.

1846 between what was to be permanently binding — the teaching of the *Claim of Right and Protest* about spiritual independence — and what they regarded as simply their own view — that the Church of Scotland's relation to the State was proper and Scriptural. However, the debate broadened out so as to be conducted principally around the question of the nature of the Church's constitution. Was the Church obliged to maintain and defend every position taken up on a matter of moment or did she stand immovable on the fundamental doctrines while allowing maximum liberty and flexibility on everything to which she did not have a direct Confessional commitment? This very question was to be raised time and again in different forms in the generation of controversy which preceded the Union.

The introduction of hymns and organs to public worship, the Robertson Smith case, the Dods and Bruce cases and the Declaratory Act debate — all alike turned to a greater or lesser extent on this question of how far the Church's "testimony" was permanently binding. One revealing comment on the conservative side was this: "We stand by the Confession of Faith in its integrity, and the consuetudinary practice of the Church".<sup>17</sup> It was not only the Confession but also the *consuetude* of the Church which they were determined to uphold. Time and again, they were outraged at the Church's departure from her consuetudinary practice to which they accorded high and binding authority. In every case, however, the Unionists insisted that, while they treated the Church's consuetude with all due respect, they must be free to alter their position in the light of new circumstances and new perceptions, provided always that they did not depart from the fundamental doctrines of the Church. The Union embodied their belief that the Church and her officebearers were bound to no more than the substance of the faith contained in the Confession of Faith. In his Moderatorial Address on the day the Union was consummated, Robert Rainy remarked:

It so happens that in this Union we of the Free Church are preserving everything which our predecessors reckoned properly to be binding. But if it had been otherwise, the contention that the Church of Christ is to be bound forever to particular utterances put forth by excellent men fifty and sixty years ago, at the moment of great and exciting change that was creating a new world for them, is really monstrous.<sup>18</sup>

The primary Unionist argument was that the Union did not significantly alter the Free Church constitution. But they had in reserve the higher argument that, supposing the Union did involve a major change in the constitution, then it was within the power of

<sup>17</sup> *Signal* (January, 1884), 2.

<sup>18</sup> *Glasgow Herald*, 1 November 1900.

the Church to make that change. It is here that the final significance of what was done in the Union is to be found.

### *The Union and the Church's Legislative Power*

As Lord Lindley summed up the matter in his judgement:

My Lords, the whole controversy turns on the powers of the General Assemblies of the Free Church. If they have no power to relax the fetters which the Appellants contend bound the Free Church hard and fast from its birth, then these appeals ought to succeed. But if, as the Courts in Scotland have held, the General Assemblies of the Free Church have power to do what they have done, then these appeals must fail.<sup>19</sup>

Counsel for the continuing Free Church argued that while the Assembly could regulate and order its general affairs, it had no power to change the doctrines or tenets of the Church. They submitted that "the Acts of Assembly of the Presbyterian Church are just the canons of the Episcopal Church or the by-laws of any other association".<sup>20</sup> The argument on the other side was that "the constitution of the Church — its principles and doctrines — were whatever the General Assembly might declare them to be".<sup>21</sup> It was on this crucial question that the respondents failed to satisfy the House of Lords. The majority of the judges were convinced that the Church could not change its principles and at the same time preserve its identity. Any attempt to distinguish what is fundamental from the rest of the constitution would be to make "a more or less plausible, but wholly unverified assumption".<sup>22</sup> Lord Robertson summed up the majority view when he said: "I find nothing from beginning to end which supports the theory that the Church of Scotland exercised or claimed the right to alter doctrines which she had asserted to be Scriptural".<sup>23</sup>

There is no difficulty in understanding how the Court reached such a position. The vows of office and the commissions under which members of the Assembly acted certainly gave the impression that the Creed and constitution of the Church were sacrosanct. Each had promised to "follow no divisive courses from the doctrine, worship, discipline and government of this Church."<sup>24</sup> Time and again Constitutionalists pointed out the terms of these vows and reiterated the indignation expressed by James Begg: "To allege that they may afterwards set these avowals

<sup>19</sup> Orr, *Appeals*, 604.

<sup>20</sup> *Ibid.*, 272.

<sup>21</sup> *Ibid.*, 57, Lord Low.

<sup>22</sup> *Ibid.*, 583, Lord Davey.

<sup>23</sup> *Ibid.*, 601.

<sup>24</sup> *Acts of the General Assembly of the Free Church of Scotland* (1846), 29.



at defiance, and still retain their offices, is to outrage morality and overflow the liberty of the Church and her congregations".<sup>25</sup> Conservatives could also appeal to the practice of the Church over generations. There was no question that practically always the Church had acted as if her Creed and constitution were absolute. There was a good deal of historical support for the Constitutionalist assertion that "at present the most lordly majority stand to the constitution simply in the relation of administration".<sup>26</sup> However, if there was a rock on which the conservative argument stumbled, it was that there was one occasion when the General Assembly did adopt an entirely new Confession, albeit one with substantial doctrinal similarities to its predecessor. Taylor Innes highlighted the significance of this act:

The fact that the Scottish Church did, at the culminating point of its history, and in the period of its greatest energy and influence, throw away the old creed upon which it might plausibly be said to have even been founded, and *proprio motu* exchange it for another and a wholly new one casts a strong and not unneeded light upon the previous and subsequent history.<sup>27</sup>

The Act of 1647 had to bear a great deal of the weight of the Unionist argument. What remained doubtful in the eyes of many critics was whether the one solitary incident could outweigh the enactments and the usages which appeared to enshrine the Confession in an unalterable position. Indeed, at an early stage in the controversy Innes himself expressed his doubt as to whether the existence of the Church's power to change was adequately proven and advised the leadership to form future policy so as to clearly establish it. He wrote to Candlish in 1872:

I think innumerable changes protested against by the other side, e.g. adding a few hymns, may and ought to be made the occasion of reaffirming the principle of the right of the Church, and the connection of each minute change with the central principle of 1843; till the public is quite familiarised with it, and an additional ground for the Courts to go upon built up. For the Courts will give the Free Church whatever rights it deliberately claims: they are not bound to give it what it claims only occasionally or *pro hac vice*.<sup>28</sup>

As Innes indicated in his letter, the Unionist appeal to 1647 was

<sup>25</sup> J. Begg, *Anarchy in Worship or Recent Innovations Contrasted with the Constitution of the Presbyterian Church and the Vows of her Officebearers* (Edinburgh, 1875), 45.

<sup>26</sup> *Free Church Declaratory Act: A Criticism and Protest* (Glasgow, 1892), 22.

<sup>27</sup> Innes, *Law of Creeds*, 63.

<sup>28</sup> A. T. Innes, *Chapters of Reminiscence* (London, 1913), 211.

bolstered by an additional appeal to 1843. He argued that the legislative power asserted at the Disruption in respect of government applied equally to doctrine. The Church's freedom to order her own affairs, in the interests of which the Free Church fathers had made such sacrifices, he maintained extended to her own Creed and constitution. The weakness of this *a fortiori* argument is that it was anachronistic. It took the attitude of one generation to doctrinal statements and sought to attach it to an assertion of legislative authority from an earlier time. There is no indication in the writing of the Free Church fathers that they regarded the Disruption as a vindication of the Church's right to alter Creed as a vindication of the Church's right to alter Creed and constitution. Whatever the virtues, in general terms, of a Church having unrestricted power to change its credal position, the argument that the Disruption was an implicit assertion of that power was never altogether convincing to dispassionate observers.

What is clear, on a balanced appraisal of the arguments on either side, is that there was a decided ambiguity both in the act of the Disruption itself and in the Church of Scotland's constitution which the Free Church inherited. The doctrine of the Headship of Christ, vindicated at great cost in the Disruption, appeared to give the Church unrestricted freedom to obey Christ. Thus if Christ called the Church to Creed revision, her right to carry out the exercise could not be challenged. On the other hand, the Free Church was an emphatically conservative movement and in the early years there is not the slightest sign of any suggestion of major credal reform. On the contrary, the Free Church fathers were distinguished by their resolute defence of the inherited Creed and constitution of the Church. While they championed the cause of the Church's independence from the State as to government, they saw no reason to assert the Church's power to alter or to change her Confession. The Formula which they drew up in 1846 arguably placed a gloss on one element of the teaching of the Confession but in another respect it actually strengthened the links which bound the Church to her Confession: the Church abolished the old statutory formula of 1694, used by elders ever since that date, and substituted for it the stricter Formula of 1711.<sup>29</sup> This very action, however, highlighted the ambiguity in the ancient constitution itself. Alongside the habitual treatment of Creed and Confession as absolute are to be found the occasional acts which suggest that the Church had power to adjust or alter her Confessional position. Again it is Innes who has admirably stated this ambiguity:

A Church is only free to hold a creed when it is free to leave it; and it is not free to leave what is essential to its Church existence. The non-established Presbyterian churches at

<sup>29</sup> *Acts of the General Assembly of the Free Church of Scotland* (1846), 30.

present are in the awkward position of (popularly) representing all their Confessions as essential, and at the same time of claiming a Church right to change them all.<sup>30</sup>

These two elements can be clearly discerned in the inherited Church of Scotland constitution: a massive inbuilt doctrinal conservatism; and a decided assertion of the Church's superiority to her Creed. What was not clear was how these two elements were to be balanced and reconciled. It was in this area of constitutional confusion that the ecclesiastical controversy and law case occurred. The question was finally resolved but only by the division of the Church. The United Free Church and the continuing Free Church each championed one element, but without the needed balance of the other.

In the U.F. constitution there was no shadow of doubt about the Church's superiority to her Creed. If the very Act of Union of 1900 did not make matters plain enough, the Unionist view of the freedom of the Church regarding Creed was enunciated once and for all in the Act Anent Spiritual Independence of 1906. The heart of the Act stated that:

This Church has the sole and exclusive right and power from time to time, as duty may require, through her Courts to alter, change, add to, or modify, her constitution and laws, Subordinate Standards and Formulas, and to determine and declare what these are.<sup>31</sup>

The intention was that no civil or ecclesiastical court would ever again be able to question whether the Church had a stated right to alter Creed and constitution. The difficulty was that, having cast aside the counterbalancing credal conservatism, she was left with little doctrinal anchor and was dangerously at the mercy of the tide. This was the point which was mercilessly driven home by the judges in the House of Lords. The Lord Chancellor repeatedly pressed the U.F. Counsel with a *reductio ad absurdum* which they were never able to handle: "Do you mean to say that the day after the [Westminster Confession] had been agreed to by the Church . . . it could at once have adopted the whole of the formula of the Church of Rome?"<sup>32</sup> The Unionists were never able to see how deeply this question cut. For almost to the point of naivety they believed that the unlimited scope for change enshrined in the U.F. constitution posed no threat to her adherence to the evangelical and Calvinistic faith which she had inherited. Such was the conviction with which a man like Rainy held that faith and such was his persuasion that the Church too held it, notwithstanding differences on points of detail,

<sup>30</sup> Innes, *Law of Creeds*, 482.

<sup>31</sup> *Principal Acts of the General Assembly of the United Free Church of Scotland* (1906), 142.

<sup>32</sup> Orr, *Appeals*, 374.



that it was inconceivable to him that the Reformed character of the Church could ever be lost. This was largely a matter of faith. His final message to his brethren was "God will guide the Church".<sup>33</sup> It was that confidence which assured him that the Church's right to change, though unrestricted would never be abused. It took the worldly wisdom of lawyers and newspaper editors to make plain that, constitutionally at least, there was little to indicate that there was any doctrinal permanence about the United Free Church and that it was not at all easy to ascertain what her doctrinal position was.

The continuing Free Church was founded out of a desire to remain loyal to the ancient Creed and constitution of the Church and to preserve it from corruption. As a Church standing foursquare upon the constitution of 1843 it was well safe-guarded from the danger of being detached from the inherited Reformed Faith. This was an advantage not to be gainsaid at a time when the distinctive beliefs of historic Christianity were coming under intense pressure. However, difficulties were raised by the position which the Constitutionalists took up. For one thing, it was not easy to find a foundation for the argument that the Church's constitution was inviolable. Counsel for the continuing Free Church, seeking such a foundation, were continually driven back on to the statutes and to suggest that the constitution of the Church was fixed by statute was dangerously Erastian from a Free Church point of view. What was even more damaging was that the force of their appeal to the terms of the vows made it difficult to see how *any* change could ever be made in the doctrine or practice of the Church. The question here is whether justice could be done to the *semper reformanda* of the Reformation. There was some justice in the Unionist argument that it was the Roman position to insist that every article defined by the Church is equally essential and unalterable. The Reformed standpoint, by contrast, was to maintain a distinction between fundamental and non-fundamental points and to plead for unity in the one and charity and forbearance in the other. If the Constitutionalist argument were sound, the Free Church could not have done in 1870 or 1893 or 1900 what the Church of Scotland did in 1647. This cast doubt on her claim to be the Reformed National Church of Scotland, directly in line historically with the Church of the first and second Reformations. Apart from the historical issue, the Constitutionalists never adequately answered the question as to why the Church should treat as absolute a constitutional position or a Confessional statement to which no divine authority was attributed.

One positive effect of the Union was that mists of ambiguity

<sup>33</sup> P. C. Simpson, *The Life of Principal Rainy*, ii (London, 1909), 511.



and confusion about the credal position of the Church were blown away. Now anyone joining the U.F. Church clearly understood that it was a Church with a credally fluid position and anyone joining the continuing Free Church understood that it was a Church with a credally immobile position. What was to the loss of Scotland was that the element in the ancient constitution which provided for doctrinal stability was represented in one Church and the element which allowed for adjustment and development was represented in another. The danger was that the country would be served by one Church anchored in the past and another adrift on the current of the *Zeitgeist*. Perhaps the greatest disappointment was that the era of credal debate in the Free Church did not meet the challenge put by Taylor Innes in 1867:

Can you arrive at a separate knowledge of a Church's *principles*, disentangling them from, first, its documents; second its history, and third its doctrines? It is impossible to avoid such questions when Churches which are passionately attached to doctrine claim so boldly the right to revise, purge or abolish the Confession of Faith; and when there is so much, both of reason and authority, to be urged on both sides.<sup>34</sup>

In the continuing Free Church, loyalty to the whole of the 1843 constitution in its integrity precluded any distinction of fundamental principles. In the United Free Church, the right to "revise, purge or abolish" had been comprehensively vindicated but there was no distinction of the credal *sine qua non* of the Church. Scotland was left waiting for the challenge of Innes, indeed *the* credal challenge of the Church's entire constitutional history, to be met.

<sup>34</sup> Innes, *Law of Creeds*, 452.

